

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION

KONA ICE, INC.	)	
	)	Case No 2:17-cv-07757-ES-SCM
Plaintiff,	)	
	)	
vs.	)	Judge: Esther Salas
	)	Magistrate Judge: Steven C. Manion
ANTHONY GONZALEZ	)	
	)	
and	)	
	)	
CINDY GONZALEZ	)	
	)	
and	)	
	)	
SNOBALL FACTORY	)	
	)	
Defendants.	)	

**PLAINTIFF REQUEST TO ENTER DEFAULT AGAINST DEFENDANTS**

TO: THE CLERK IN THE ABOVE-ENTITLED COURT

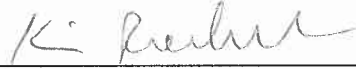
Plaintiff Kona Ice, Inc. ("Kona Ice") hereby requests that the Clerk of the above-entitled Court enter default in this matter against Defendants Anthony Gonzalez, Cindy Gonzalez and Snoball Factory because said Defendants failed to appear or otherwise respond to Kona Ice's Complaint within the time prescribed by the Federal Rules of Civil Procedure. Kona Ice served its Complaint and Summons in this matter on October 11, 2017, as evidenced by the proofs of service submitted as Docket Nos. 5, 6 and 7, and as further evidenced by the facts set forth in the concurrently filed Declaration of Brett A. Schatz, Esq., counsel for Kona Ice. Accordingly, Defendants' responsive pleading was due no later than November 1, 2017. As of February 2, 2018, Defendants have not filed any responsive pleading.

The Declaration of Brett A. Schatz is filed concurrently herewith.

Respectfully submitted,

KONA ICE, INC.

Dated: February 2, 2018



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Kevin S. Riechelson, Esq.  
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Trenton, New Jersey 08608  
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Attorneys for Plaintiff

Brett A. Schatz (*Of Counsel*)  
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Cincinnati, Ohio 45202  
(513) 241-2324  
(513) 241-6234 Facsimile  
bschatz@whe-law.com

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2018, a copy of the foregoing was served via First Class Mail to Defendants Anthony Golzalez, Cindy Gonzalez and Snoball Factory, 20 Cooper Road, Denville, New Jersey 07834.



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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION

KONA ICE, INC.

Plaintiff,

VS.

ANTHONY GONZALEZ

and

CINDY GONZALEZ

and

# SNOBALL FACTORY

Defendants,

Case No 2:17-cv-07757-ES-SCM

Judge: Esther Salas

Magistrate Judge: Steven C. Manion

## DECLARATION OF BRETT A. SCHATZ

I, Brett A. Schatz, declare as follows:

1. I am a partner with the law firm Wood, Herron & Evans, LLP. I am of counsel for Kona Ice, Inc. ("Kona Ice" or "Plaintiff") in this matter. I submit this declaration in support of Plaintiff's Request for Default. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. I retained a process server to serve Plaintiff's Summons, Complaint and related documents in this action on Anthony Gonzalez, Cindy Gonzalez, and Snoball Factory. The process server provided proofs of service to me.

3. Attached hereto as Exhibit 1 are true and correct copies of the proofs of service that the process server provided to me, indicating that Anthony Gonzalez, Cindy Gonzalez, and Snoball Factory were each served on October 11, 2017.

4. Each of these three proofs of service have been submitted to the Court, and are located on the Court's Docket as Docket Nos. 5, 6, and 7.

5. Neither local counsel nor I have been served in any manner with an Answer to the Complaint by Anthony Gonzalez, Cindy Gonzalez, or Snoball Factory. I have checked the Docket in this matter and the Docket does not indicate that Anthony Gonzalez, Cindy Gonzalez, or Snoball Factory served any responsive pleading in this matter by February 2, 2018.

I declare under penalty of perjury that the foregoing is true and corrected.

Executed on February 2, 2018, at Cincinnati, Ohio.

By:   
Brett A. Schatz

# EXHIBIT 1

Case 2:17-cv-07757-ES-SCM Document 3 Filed 10/03/17 Page 1 of 2 PageID: 39

**UNITED STATES DISTRICT COURT**  
DISTRICT OF NEW JERSEY

**KONA ICE, INC.,**  
*Plaintiff*

V.

**SUMMONS IN A CIVIL CASE**

**ANTHONY GONZALEZ, ET AL.,**  
*Defendant*

CASE NUMBER: 2:17-CV-07757-ES-SCM

TO: *(Name and address of Defendant):*

Anthony Gonzalez  
20 Cooper Road  
Denville, New Jersey 07834

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin S. Riechelson, Esq.  
Kamensky Cohen & Riechelson  
194 South Broad Street  
Trenton, New Jersey 08608  
(609-394-8585)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

ELISAVETA KALLUCI

(By) DEPUTY CLERK



ISSUED ON 2017-10-03 11:42:31, Clerk  
USDC NJD

Case 2:17-cv-07757-ES-SCM Document 3 Filed 10/03/17 Page 2 of 2 PageID: 40

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE	10/11/2013
NAME OF SERVER (PRINT) Patrick Persiano	TITLE	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>20 Cooper Road</u> <u>Denville NJ 07834</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
<input type="checkbox"/> Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input type="checkbox"/> Other (specify): _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	<u>10/11/2013</u> Date	<u>Patrick Persiano</u> Signature of Server
		<u>19 Seville Drive Somerville</u> Address of Server <u>NJ 08876</u>



Case 2:17-cv-07757-ES-SCM Document 3 Filed 10/03/17 Page 1 of 2 PageID: 39

**UNITED STATES DISTRICT COURT**  
DISTRICT OF NEW JERSEY

**KONA ICE, INC.,**  
*Plaintiff*

V.

**SUMMONS IN A CIVIL CASE**

**ANTHONY GONZALEZ, ET AL.,**  
*Defendant*

CASE NUMBER: 2:17-CV-07757-ES-SCM

TO: (Name and address of Defendant):

Cindy Gonzalez  
20 Cooper Road  
Denville, New Jersey 07834

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin S. Riechelson, Esq.  
Kamensky Cohen & Riechelson  
194 South Broad Street  
Trenton, New Jersey 08608  
(609-394-8585)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

ELISAVETA KALLUCI

(By) DEPUTY CLERK



ISSUED ON 2017-10-03 11:42:31, Clerk  
USDC NJD

Case 2:17-cv-07757-ES-SCM Document 3 Filed 10/03/17 Page 2 of 2 PageID: 40

RETURN OF SERVICE		
Service of the Summons and complaint was made by (check)	DATE	10/11/2017
NAME OF SERVER (PRINT)	TITLE	
Patrick Persico		
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
<input checked="" type="checkbox"/> Name of person with whom the summons and complaint were left: <u>Anthony Gonzalez</u> <u>(husband of Cindy Gonzalez)</u>		
<input type="checkbox"/> Returned unexecuted: _____		
<input type="checkbox"/> Other (specify): _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on	<u>10/11/2017</u>	<u>Patrick Persico</u>
	Date	Signature of Server
Address of Server		

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

KONA ICE, INC.,  
*Plaintiff*

V.

SUMMONS IN A CIVIL CASE

ANTHONY GONZALEZ, ET AL.,  
*Defendant*

CASE NUMBER: 2:17-CV-07757-ES-SCM

TO: *(Name and address of Defendant)*

Snoball Factory  
20 Cooper Road  
Denville, New Jersey 07834

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin S. Riechelson, Esq.  
Kamensky Cohen & Riechelson  
194 South Broad Street  
Trenton, New Jersey 08608  
(609-394-8585)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

ELISAVETA KALLUCI

(By) DEPUTY CLERK



ISSUED ON 2017-10-03 11:42:31, Clerk  
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE	10/11/2017
NAME OF SERVER (PRINT) Patrick Persicano	TITLE	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____  <input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  <input checked="" type="checkbox"/> Name of person with whom the summons and complaint were left: <u>Anthony Gonzalez</u> <span style="margin-left: 400px;">(owner)</span>		
<input type="checkbox"/> Returned unexecuted: _____  <input type="checkbox"/> Other (specify): _____  		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	10/11/2017 Date	<u>Patrick Persicano</u> Signature of Server
Address of Server   		